

## Chapter 5.22

### FIRE SALES AND GOING-OUT-OF-BUSINESS SALES

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#### **5.22.010 Definitions.**

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the following meanings:

**Fire and other altered goods sale** shall mean a sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water, or other means.

**Going-out-of-business sale** shall mean a sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand the business will cease and be discontinued, including but not limited to the following sales: adjuster's; adjustment; alteration; assignee's; bankrupt; benefit of administrator's; benefit of creditor's; benefit of trustee's; building coming down; closing; creditor's committee; creditor's; end; executor's; final days; forced out; forced out of business; insolvent's; last days; lease expires; liquidation; loss of lease; mortgage sale; receiver's; trustee's; quitting business.

**Goods** shall include any goods, wares, merchandise, or other property capable of being the object of a sale regulated hereunder.

**Removal of business sale** shall mean a sale held out in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place of sale upon disposal of the stock of goods on hand and will then move to and resume business at a new location in the city or will then continue business from other existing locations in the city. (Ord. 15463 §1; March 5, 1990: P.C. §5.68.010: Ord. 9698 §1; February 17, 1969).

#### **5.22.020 Misleading Advertising; Length of Sale; Termination of Business Requirement.**

It shall be unlawful for any person owning or having an interest in goods to hold within the city a sale of such goods which sale is advertised or otherwise held out to be a fire and other altered goods sale, a going-out- of-business sale, or a removal of business sale, unless such sale is a fire and other altered goods sale, going-out-of-business sale, or removal of business sale, as advertised or otherwise held out to be.

It shall prima facie be a violation of this section for any person who has advertised or otherwise held out a sale as being a going-out-of-business sale, or a removal of business sale to continue such sale for more than sixty days after the date of the commencement thereof, or for such person still to be in business at the place of business six months after the commencement of such sale. (Ord. 15463 §2; March 5, 1990: P.C. §5.68.020: Ord. 9698 §2; February 17, 1969).

#### **5.22.030      Inventory and Inspection Fee.**

Whether a sale subject to the provisions of this chapter be a fire and other altered goods sale, a going-out-of-business sale, or a removal of business sale, prior to such sale the person owning or having an interest in such goods shall file with the City Clerk an inventory, sworn to before a notary public as being true to the best of such person's knowledge and belief, setting forth the goods to be offered at such sale and the date such sale is to commence; and in the case of a fire and other altered goods sale where the fire or other such loss has not been suffered by such person, such person shall include with the inventory the name and address of his or her supplier of such goods. In addition to filing such inventory, such person shall also pay to the City Clerk an inspection fee of fifteen dollars, which fee is to help defray the city's cost of assuring itself that the goods actually offered for sale are the same as the goods listed on said inventory. It shall prima facie be a violation of this chapter if the goods thus offered at such sale are other than or in addition to the goods listed on said inventory; however, a change or addition, or any combination thereof, to said inventory which does not exceed one percent of the total inventory shall not be considered to be a violation of this chapter. (Ord. 15463 §3; March 5, 1990: P.C. §5.68.030: Ord. 9698 §3; February 17, 1969).

#### **5.22.040      Established Business Requisite.**

It shall prima facie be a violation of this chapter for any person to have a sale which has been advertised or otherwise held out to be a going-out-of-business sale or a removal of business sale if such person has not been in business at the place of business for at least six months prior to the commencement of such sale. (Ord. 15463 §4; March 5, 1990: P.C. §5.68.040: Ord. 9698 §4; February 17, 1969).

#### **5.22.050      Interval Between Sales.**

It shall prima facie be a violation of this chapter for any person to have more than one going-out-of-business sale or removal of business sale per year within the city unless such other sale is the sale of goods of a business owned by such person at the time such first sale was lawfully in existence under the provisions of this chapter. (Ord. 15463 §5; March 5, 1990: P.C. §5.68.050: Ord. 9698 §5; February 17, 1969).

#### **5.22.060      Persons Exempted.**

Persons acting pursuant to an order or process of a court of competent jurisdiction, persons acting in accordance with their powers and duties as public officials, and auctioneers not owning nor having an interest in goods other than for their expected commission for selling the same, shall not be subject to the provisions of this chapter. (Ord. 15463 §6; March 5, 1990: P.C. §5.68.060: Ord. 9698 §6; February 17, 1969).